

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 08-cr-20316-SHM

LONNIE BERNARD DAVIS,

Defendant.

ORDER DENYING RECONSIDERATION

Before the Court are Defendant Lonnie Bernard Davis's November 2, 2020 notice and his April 1, 2021 notice. (D.E. Nos. 89, 90.) Those notices document that Davis has exhausted his administrative remedies. The Court construes them as a motion for reconsideration. The government has not responded. For the following reasons, the motion for reconsideration is **DENIED**.

On November 2, 2020, the Court denied on the merits Davis's motion for compassionate release and motion to appoint counsel. (D.E. No. 88.) Because the government had not responded to Davis's motions, the government had waived the defense of failure to exhaust administrative remedies. (Id. at 295.) Because the Court did not deny Davis's original motion for failure to

exhaust, his motion for reconsideration submitting evidence that he has exhausted his administrative remedies provides no new grounds for the Court to consider. Davis's motion for reconsideration is **DENIED**.

The motion for reconsideration is **DENIED**.

SO ORDERED this 9th day of April, 2021.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, Jr.
UNITED STATES DISTRICT JUDGE